



Senate

General Assembly

File No. 763

January Session, 2015

Substitute Senate Bill No. 887

Senate, May 5, 2015

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE FILING OF A MECHANIC'S LIEN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 49-34 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 A mechanic's lien is not valid unless the person [performing]
4 rendering the services or furnishing the materials (1) within ninety
5 days after he has ceased to do so, lodges with the town clerk of the
6 town in which the building, lot or plot of land is situated a certificate in
7 writing, which shall be recorded by the town clerk with deeds of land,
8 (A) describing the premises, the amount claimed as a lien thereon, the
9 name or names of the person against whom the lien is being filed and
10 the date of the commencement of the performance of services or
11 furnishing of materials, (B) stating that the amount claimed is justly
12 due, as nearly as the same can be ascertained, and (C) subscribed and
13 sworn to by the claimant, [and] (2) not later than thirty days after
14 lodging the certificate, serves a true and attested copy of the certificate
15 upon the owner of the building, lot or plot of land in the same manner

- 16 as is provided for the service of the notice in section 49-35, and (3)
17 holds the appropriate registration or license to render the services, if
18 such registration or license is required by the state.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2015	49-34
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Statement of Legislative Commissioners:

In Section 1, "performing" was bracketed and "rendering" was inserted, and "perform" was changed to "render", for consistency with related statutes.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires that a mechanic's lien can only be placed by a registered or licensed service provider and does not result in a state or municipal fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 887*****AN ACT CONCERNING THE FILING OF A MECHANIC'S LIEN.*****SUMMARY:**

By law, a mechanic's lien is a lien on property for the value of work performed or materials provided. This bill requires, as a condition of having a valid mechanic's lien, that the person who provided the services that are the subject of the lien have any state registration or license required for providing the service.

By law, a person can file a mechanic's lien if he or she has a claim for materials or services provided under an agreement to a land owner related to constructing, raising, removing, or repairing a building and related structures; improving a lot; site development; or subdivision of land. It is recorded in the land records and can be foreclosed like a mortgage.

EFFECTIVE DATE: October 1, 2015

BACKGROUND***Legislative History***

The Senate referred the bill (File 257) to the Judiciary Committee, which reported a substitute that eliminates provisions expanding the ability to obtain a mechanic's lien to any employee or independent contractor providing a service to a landowner.

COMMITTEE ACTION

Banking Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/10/2015)

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/27/2015)